

Docket No.: KC-16088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 19 2005

Applicants: Michael Tod MORMAN et al.

Serial No.: 10/025,027

Filing Date: 19 December 2001

Title: METHOD FOR MAKING AN ABSORBENT
ARTICLE WITH ELASTIC CUFF AREAS
AND NECKED SUBSTRATES

Customer No.: 35844

Group No. 3761

Examiner: K. Reichle

PROPOSED AMENDMENT AFTER FINAL REJECTION

FOR DISCUSSION PURPOSES ONLY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the final Office Action dated 31 October 2005, please
consider the amendments as set forth herein.

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date
shown below.

Type or print name of person signing certification

Signature

Date

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IN THE CLAIMS:

1. (currently amended) A method of producing elastic cuffs for a resultant garment obtained from a web of precursor garments, the steps comprising:

a) applying necking tension to the web of precursor garments to neck a cuff area of a precursor garment to a first width, the cuff area of the precursor garment being extendible to a second non-necked width wider than the first width when the necking tension is removed, the necking tension being sufficient to neck the web from 10-80%;

b) affixing an elastic material to the cuff area while at the first width;

c) removing necking tension from the precursor garment with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the cuff area having the elastic material thereon; and

d) whereby the elastic material holds the cuff area ~~of the resultant garment~~ at a dimension narrower than the second width in the resultant garment.

2. (withdrawn) The method according to Claim 1 wherein the step of affixing an elastic material to the cuff area further comprises applying a pre-elastic when the precursor garments are at the first width, and treating the pre-elastic to become an elastomeric while the precursor garments are at the first width.

3. (previously presented) The method according to Claim 1 wherein the precursor garment comprises a backsheet web layer.

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4. (currently amended) The method according to Claim 3 wherein the precursor garment further comprises a topsheet web layer.

5. (withdrawn) The method according to Claim 1 wherein the precursor garments comprise an assembled diaper lacking only the cuff area.

6. (previously presented) The method according to Claim 3 wherein the backsheet web layer comprises material selected from the group comprising: neckable nonwovens, neckable films, neckable laminates, or combinations thereof.

7. (currently amended) The method according to Claim 1 wherein the elastic material is untensioned when applied to the cuff area of the precursor garment, whereby it merely holds the cuff area at the first narrower dimension thereby resulting in a flat cuff area of the resultant garment.

8. (withdrawn) The method according to Claim 1 wherein the elastic material is applied under tension thereby gathering the precursor garment and providing a doubly expandable cuff area with a first stage expansion taking out the gathers, and a second stage expansion expanding the material of the garment body.

9. (withdrawn) The method according to Claim 1 further including applying a precursor elastic to the cuff area and treating the precursor elastic to become elastomeric while the cuff area is at the first width.

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10. (withdrawn) The method according to Claim 9 further including treating the precursor elastic with heat.

11. (original) The method according to Claim 1 wherein the cuff area is a leg cuff area.

12. (original) The method according to Claim 1 wherein the cuff area is a waistband area.

13. (currently amended) A method of producing selectively elastic areas in a web of precursor garments, the web having a longitudinal direction and a lateral direction, the steps comprising:

a) necking the web to a first width, with width being measured in the lateral direction, the web being expandable to a second non-necked width wider than the first width when the necking tension is removed, the necking tension being sufficient to neck the web from 10-80%;

b) affixing an elastic material to a selected area of the web when the web is at the first width; and

c) removing necking tension from the selected area of the web with the elastic thereon and causing ~~the selected area of the web~~ to assume the second width at areas outside the selected area of the web, and whereby the elastic material holds the selected area of the web at a dimension narrower than the second width.

14. (currently amended) A method of producing elastic waistbands for a resultant garment obtained from a web of precursor garments, the

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precursor garments having a longitudinal direction and a lateral direction, the steps comprising:

- a) applying necking tension to the web of precursor garments to neck a waistband portion of a precursor garment to a first width in the lateral direction of the precursor garment, the waistband portion of the precursor garment being extendible to a second non-necked width wider than the first width when the necking tension is removed, the necking tension being sufficient to neck the web from 10-80%;
- b) affixing an elastic material to the waistband portion while at the first width;
- c) removing necking tension from the precursor garment with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the waistband portion having elastic material; and
- d) whereby the elastic material holds the ~~waistbands of the resultant garment~~ waistband portion at a dimension narrower than the second width in the resultant garment.

15. (currently amended) A method of producing elastic leg cuffs for a resultant garment obtained from a web of precursor garments, the precursor garments having a longitudinal direction and a lateral direction, the steps comprising:

- a) applying necking tension to the web of precursor garments to neck a leg cuff area of a precursor garment to a first width in the longitudinal direction of the precursor garment, the leg cuff area of the precursor garment being extendible to a second non-necked width wider than the first width when the necking

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tension is removed, the necking tension being sufficient to neck the web from 10-80%;

b) affixing an elastic material to the leg cuff area while at the first width;

c) removing necking tension from the precursor garment with the elastic material thereon and causing the precursor garment to assume the non-necked second width at areas outside the leg cuff area having elastic material; and

d) whereby the elastic material holds the leg cuff areas ~~of the resultant garment area~~ at a dimension narrower than the second width in the resultant garment.

16. (currently amended) The method of Claim 1 wherein the cuff area of the resultant garment is a nonrugose, ungathered, and unshirred cuff area of a first material, the first material having an untensioned elastomeric second material thereon.

17. (previously presented) The method of Claim 16 wherein the cuff area is a waistband.

18. (previously presented) The method of Claim 16 wherein the cuff area is a leg opening.

19. (previously presented) The method of Claim 16 wherein the cuff area is expandable by 25% of its original dimension.

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20. (previously presented) The method of Claim 16 wherein the cuff area is expandable by 50% of its original dimension.

21. (currently amended) The method of Claim 1 wherein the cuff area of the resultant garment is a nonrugose, ungathered, and unshirred cuff area of a first material, the first material having an elastomeric second material thereon of sufficiently low tension so as to not cause gathering and shirring of the first material.

22. (previously presented) The method of Claim 21 wherein the cuff area is a waistband.

23. (previously presented) The method of Claim 21 wherein the cuff area is a leg opening.

24. (previously presented) The method of Claim 21 wherein the cuff area is expandable by 25% of its original dimension.

25. (previously presented) The method of Claim 21 wherein the cuff area is expandable by 50% of its original dimension.

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REMARKS

The Claims currently under consideration are 1, 3, 4, 6, 7, and 11-25.

Applicants propose that accepting the Examiner's claim interpretation on the record would cure the §112 problems and the above amendments to independent Claims 1 and 13-15 would cure the §102 rejections if the Examiner will enter the amendment.

The Examiner appears to have interpreted the limitation of "necking" in the present claims so broadly that any web tensioning could qualify. Applicants are willing to discuss amending to place tensioning amount numbers in the independent claims (and noting that Claims 19, 20, 24 and 25 already claim a percentage of expansion, which the person of skill in the art would necessarily understand comes from the necking process detailed in the application (as specifically taught in the Abstract)).

Claims 1, 4, 7, 14, and 15 would be amended per the Examiner's suggestions. Claim 13 would be amended to remove the internal inconsistencies complained of by the Examiner. Claims 7, 16 and 21 would be amended to specify that the flat or nonrugose cuff area is that of the resultant garment, to positively recite what was considered to be inherent in the claims before the Examiner's remarks at paragraph 9 of the Detailed Action. No new matter or change in the scope of claims is believed to be presented hereby.

Claim Objections

Per paragraph 3 of the Detailed Action, Claims 1, 3, 4, 6, 7, and 11-25 are objected to for various informalities. Claims 1, 4, 7, 14, and 15 would be

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amended per the Examiner's suggestions. The Examiner is thanked for her helpful suggestions in clarifying the claims.

Claim Rejections – 35 USC § 112

In light of the Examiner's interpretation of the Claims as set forth in the Detailed Action's paragraph 6 under the heading ***Claim Language Interpretation***, it is believed the Examiner has grasped the meaning of the present Claims. Therefore, this appears to be *prima facie* evidence that the Claims meet the legal standard of sufficient clarity.

The Examiner has pointed to an internal inconsistency in Claim 13. This inconsistency would be corrected by amendment.

Further considering the amendments to obviate the Examiner's objections, it is believed that any person having ordinary skill in the art and process of automated garment manufacture would have no trouble understanding the meaning and import of the claim limitation verbiage. It is therefore respectfully requested that the present rejections would be considered and withdrawn.

Double Patenting

The comments of the Examiner are acknowledged. It should be noted however that Claim 7 has a limitation directed to a specific time element which is not included within the language of Claim 16.

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FOR DISCUSSION PURPOSES ONLY***Claim Language Interpretation***

As stated above, the Examiner's interpretation of the terminology is in keeping with the intended meanings.

The Examiner further appears to be saying that because the specification does not explicitly define the percentage of necking, the Claims can be interpreted to require so little percentage of necking as to be without practical effect, and thus, any tensioning taught by Litchholt can be considered a teaching of "necking" from the prior art. No reasonable interpretation by a person of ordinary skill in the art would occur in this manner. Reconsideration of the present invention in light of a reasonable interpretation of its limitations and teachings, and those of the cited art, is requested.

Claim Rejections – 35 USC § 102

Per paragraph 8 of the Detailed Action, Claims 1, 3, 4, 6-7, and 11-25 stand rejected under 102(b) as anticipated by US Patent 5,503,919 to Litchholt et al. (hereinafter "Litchholt"). It is noted that the Examiner has informed Applicants that the reference to "Litchholt '027" in the second line of paragraph 8 is a typographical error and the correct reference is as stated above.

It is the Examiner's first position that Litchholt explicitly teaches necking to a first dimension by tensioning as supported by contention that Litchholt teaches a tension applied to a web to distort the web (Detailed Action, page 5, lines 2-9). Applicant respectfully disagrees. Applicant respectfully disagrees with the Detailed Action's interpretation that because Litchholt may either distort or tension its webs, Litchholt necessarily meets the claims of the present invention.

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The distortion of the Litchholt web is taught as being done mechanically by the meshing of corrugated rolls (col. 19, line 30) resulting in the distinctive gathered or shirred pattern seen in its Fig. 4.

The line tensioning taught by Litchholt, at col. 18, line 6, is a tensioning to prevent pucker in the web and is not taught as stretching the web itself to any degree. The line tensioning taught as applied to the web by Litchholt, at col. 20, line 26, is a tensioning to prestretch the central adhesive (30b, Fig. 2) layer of its lamina. No reasonable interpretation of "necking tension" would grant that Litchholt's mechanical distortion, or its adhesive prestretch tensioning, are equivalent to the web necking teachings and limitations of the present invention.

However, in order to advance prosecution, Applicants would be willing to discuss entry of amendments to the independent claims specifying a necking of 10-80% as defined in the specification at page 10, line 12.

Favorable consideration is requested.

Respectfully submitted,

For Discussion Only

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Applicant Initiated Interview Request Form

Application No.: 10/035,027 First Named Applicant: M. T. Norman
 Examiner: K. Reichle Art Unit: 3761 Status of Application: After Final

Tentative Participants:

(1) Examiner (2) Roland Norris
 (3) _____ (4) _____

Proposed Date of Interview: 12/21/05 Proposed Time: 11:00 (AM/PM)
E.S.T.

Type of Interview Requested:

(1) ☒ Telephonic (2) ☐ Personal (3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES ☒ NO

If yes, provide brief description: _____

Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>§112</u>	<u>3,4,6,13 & 16-25</u>	<u>none</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) <u>§102</u>	<u>all</u>	<u>Litchholt et al</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☒ Continuation Sheet Attached (Proposed Amendment) (11 pages)

Brief Description of Arguments to be Presented:

Section 112 rejections can be cured by accepting Examiner's interpretation
on the record. Sec. 102 rejections can be cured by specifying
an amount of working as supported by the specification, if Examiner
will enter AAFR.

An interview was conducted on the above-identified application on _____.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

Roland W. Norris

Applicant/Applicant's Representative Signature

Examiner/SPE Signature

Roland W. Norris

Typed/Printed Name of Applicant or Representative

32,799

Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.